

1 BARRY J. PORTMAN
2 Federal Public Defender
2 ELIZABETH M. FALK
3 Assistant Federal Public Defender
3 19th Floor Federal Building – Box 36106
4 450 Golden Gate Avenue
4 San Francisco, CA 94102
5 Telephone: (415) 436-7700

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
Counsel for Defendant HICKEY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR-07-0634 MMC
12 Plaintiff,) MOTION AND [PROPOSED] ORDER TO
13 v.) SEAL SUPPLEMENTAL REPORT OF DR.
14 DANIEL HICKEY,) JULES BURSTEIN IN SUPPORT OF
15 Defendant.) SENTENCING MEMORANDUM

16
17 Attorney of record Elizabeth M. Falk now moves this Court to file under seal the
18 enclosed Supplemental Report of Dr. Jules Burstein. This document is a confidential medical
19 report that was disclosed to counsel with the provision that counsel maintain its confidential
20 nature with the Court. As this item should not be placed on the public docket for confidentiality
21 reasons, counsel now moves herein for a Sealing Order.

ARGUMENT

22
23 The report enclosed herein contains sensitive and personal information about Mr. Hickey
24 that is traditionally not placed on the public docket. Pursuant to Northern District of California
25 Criminal Local Rule 32-7, said information remains confidential and is only read and utilized by
26 the U.S. Probation Department and the Court. Sealing the record will maintain its confidential

1 nature in accordance with the local rule, and will keep this document out of the public record.
2 Accordingly, undersigned counsel moves for a Sealing Order ensuring that the Supplemental
3 Report of Dr. Jules Burstein remains confidential.

4 **CONCLUSION**

5 Wherefore, Mr. Hickey requests that this Court will grant this motion and order the
6 enclosed document entitled "Supplemental Report of Dr. Jules Burstein In Support of
7 Defendant's Sentencing" to be filed under seal.

8

9

Dated: April 22, 2008

10

Respectfully submitted,

11

BARRY J. PORTMAN
Federal Public Defender

12

13 /s/

14

15

ELIZABETH M. FALK
Assistant Federal Public Defender

16

17

PROPOSED ORDER

18

For good cause shown, the document entitled "Supplemental Report of Dr. Jules
by defendant
Burstein" to be filed later today ~~on April 22, 2008~~, shall be maintained under seal until further
order of the Court.

19

20

IT IS SO ORDERED.

21

22

Dated: April 23, 2008

23

24

25

26


THE HONORABLE MAXINE M. CHESNEY
United States District Judge